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HB 272
AUTHORIZING COUNTIES TO REGISTER SOLAR ENERGY SYSTEMS
AND TO PROVIDE ALTERNATIVE MEANS FOR RESOLVING CONFLICTS
OVER RIGHTS TO SOLAR ACCESS

Statement for
House Committees on
Energy, Ecology and Environmental Protection
Judiciary
Public Hearing - 20 February 1981

By
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HB 272 would authorize counties to establish alternative means of resolving conflicts over solar access to reduce the cost and time of litigation in the State courts and to protect solar energy systems from interference. The Statement on this bill does not represent an institutional position of the University of Hawaii.

We are not prepared to comment on the legal ramifications of HB 272. We note, however, that as presently drafted the legislation would include compensation due to infringement on existing solar systems regardless of their installation date. Since there are some 12000+ existing solar systems in the State, the proposed legislation may not adequately consider the burden on the owners of land adjacent to the solar system property, or in the converse. Would item (3), providing for compensation to be paid by the owner of new construction, or reconstruction, to owners of solar energy systems whose skyspace is intercepted, for the resulting loss in the value of the systems and (4) providing for compensation to be paid by the owners of solar energy systems to owners of neighboring property, in consideration for the latter's agreement to modify construction so as to protect the former's solar skyspace, effectively neutralize each other in such a case?